



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/779,973

02/09/2001

Rodney D. Miller

7099.1579

8174

826

7590

07/17/2006

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/779,973	<b>Applicant(s)</b> MILLER ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. Claims 1-31 remained pending.

#### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-31, are rejected under 35 U.S.C. 102(e) as being anticipated by Walker U.S Patent: 6, 553, 346).

As per claims 1-3, Walker discloses a system for auctioning consumer demand to suppliers comprising:

a request adapter for receiving a first data set in a first protocol, converting the first data set to a second data set in a second intermediate protocol and then, converting the second data set to a third data set in a third protocol (see column 5 lines 25-67 and column 6-12 lines 1-65)

a request preprocessor (see column 9 lines 30-46) for receiving the third data set from the request adapter and filtering the third data set (see column 2-5 paragraph 0015-0053)

a virtual group processor(see column 9 lines 30-46) for receiving the third data set, which has been filtered by the request preprocessor and un-rejected, and creating at least one group, including the third data set and other data sets in the third protocol; and a dynamic packaging orchestrator and continuous shopping engine (DPOICSE) for managing the at least one group, shopping for bids on at least one product represented in the at least one group, and booking the at least one product based on the received bids(see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 4, Walker discloses wherein the request preprocessor filters the third data set based on a set of elimination rules that eliminate or accept the travel

Art Unit: 3628

request, based on a consumer's flexibility and the travel request availability. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 5, Walker discloses wherein if the third data set does not meet the elimination rules it is rejected. (see column 5 lines 25-67 and column 6-12 lines 1-65)

As per claim 6, Walker discloses wherein the virtual group processor creates the at least one group or processes the third data set individually. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 7, Walker discloses wherein the DPO/CSE manages the at least one group by applying flexibility rules. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 8, Walker discloses wherein if the at least one group represents a plurality of products, the DPO/CSE manages the at least one group by disassembling the plurality of products and re-assembling the plurality of products into one or more combinations of products before shopping for bids. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 9, Walker discloses wherein the DPO/CSE shops for bids on the one or more combinations of products by submitting bid requests to suppliers and receiving one or more bids for the one or more combination of products. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 10 Walker discloses wherein the suppliers submit the one or more bids to the DPO/CSE manually or automatically through proxy agents, based on proxy trading rules. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 11, Walker discloses wherein the DPO/CSE books the one or more combination of products based on event and availability information. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claims 12-14, Walker discloses a travel information system for auctioning consumer demand to suppliers comprising:  
a request adapter for receiving a PNR from a distribution system and converting the PNR to a travel request (see column 5 lines 25-67 and column 6-12 lines 1-65)

Art Unit: 3628

a request preprocessor for receiving the travel request from the request adapter and filtering the travel request, based on a set of elimination rules. (see column 2-5 paragraph 0015-0053) a virtual group processor for receiving travel requests, filtered by the request preprocessor and un-rejected, and creating at least one group, including the travel requests and other travel requests; and  
a dynamic packaging orchestrator and continuous shopping engine (DPO/CSE) for managing the at least one group, shopping for bids on at least one product represented in the at least one group, and using events and availability information to obtain the at least one product represented, and booking the at least one product. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 15, Walker discloses wherein the virtual group processor creates the at least one group or processes the travel request individually. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 16, Walker discloses wherein if the at least one group represents a plurality of products, the DPO/CSE manages the at least one group by organizing the plurality of products into one or more combinations of products before shopping for bids. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 17, Walker discloses wherein the DPO/CSE shops for bids on the one or more combinations of products by submitting bid requests to suppliers and receiving one or more bids for the one or more combination of products. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 18, Walker discloses wherein the suppliers submit the one or more bids to the DPO/CSE manually or automatically through proxy agents, based on proxy trading rules. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claims 19-21, Walker discloses a method for auctioning consumer demand to suppliers in a travel information network comprising the steps of  
transferring a PNR from a distribution system to a request adapter for conversion to a travel request;  
transferring the travel request from the request adapter to a request preprocessor,  
filtering the travel requests with the request preprocessor;

Art Unit: 3628

transferring the filtered travel requests that are un-rejected to a virtual group processor; forming at least one group, including the travel requests and other travel requests with the virtual group processor (see column 5 lines 25-67 and column 6-12 lines 1-65). , and transferring the at least one group from the virtual group processor to a dynamic packaging orchestrator and continuous shopping engine (DPO/CSE) that: manages the at least one group (see column 5 lines 25-67 and column 6-12 lines 1-65) shops for bids on at least one product represented in the at least one group, receives bids on the at least one product represented in the at least one group, and books the at least one product based on the received bids. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 22, Walker discloses wherein the forming step further includes forming the at least one group or processing the travel request individually. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 23, Walker discloses wherein managing the at least one group further includes applying consumer and supplier profile rules to the travel request. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 24, Walker discloses wherein managing the at least one group includes disassembling a plurality of products and re-assembling the plurality of products into one or more combinations of products before shopping for bids. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 25, Walker discloses wherein receiving the one or more bids at the DPO/CSE further includes receiving bids from suppliers that have submitted the bids manually or automatically through proxy agents, based on proxy trading rules. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 26, Walker discloses wherein the step of booking the travel request includes acquiring the one or more combination of products based on event and availability information received by the DPO/CSE. (see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claims 27-29, Walker discloses a method for booking a travel request comprising: receiving the travel request;

continuously shopping the travel request at a distribution system;  
reevaluating a price offered at the distribution system to fulfill the travel request, and  
booking the travel request at the distribution system if it is determined that an  
appropriate price is offered at the distribution system. (see column 5 lines 25-67 and  
column 6-12 lines 1-65).

As per claim 30, Walker discloses a dynamic packaging orchestrator and  
continuous shopping engine (DPO/CSE)  
comprising:

a dynamic packaging management module for dividing one or more grouped travel  
requests into a plurality of individual requests represented in the one or more grouped  
requests and creating additional requests based on flexibility rules(see column 2-5  
paragraph 0015-0053) a dynamic connection constructor module for receiving the one  
or more grouped requests and generating a list of alternate requests, based on a  
consumer's flexibility, and submitting the alternate requests to the dynamic packaging  
management module; and a bid management module for (see column 5 lines 25-67 and  
column 6-12 lines 1-65)

receiving the plurality of individual requests, the additional requests, and the alternate  
requests from the dynamic packaging management module, offering the plurality of  
individual requests, the additional request, and the alternate requests for bidding (see  
column 2-5 paragraph 0015-0053)receiving bids on the plurality of individual requests,  
the additional requests, and the alternate requests and determining whether one or  
more of the bids are acceptable, and  
booking one or more of the bids that were acceptable with a distribution system.  
(see column 5 lines 25-67 and column 6-12 lines 1-65).

As per claim 31, Walker discloses a method for providing item requests  
comprising:

receiving requests for items from at least one of a plurality of sources; processing the  
requests for items received in a standard format or converting the request for items  
received in other formats to a standard format (see column 5 lines 25-67 and column 6-  
12 lines 1-65)

Art Unit: 3628

eliminating the request for items that fail to meet a predetermined criteria; reorganizing the request for items into groups having the same or similar items; offering the groups for bid to prospective suppliers (see column 5 lines 25-67 and column 6-12 lines 1-65) receiving a bid from at least one of the prospective suppliers that fulfill an item within one of the grouped request for items and repeatedly shopping at least one of the request for items at distribution system in pre determined time intervals until the at least one request is satisfied. (see column 5 lines 25-67 and column 6-12 lines 1-65).

#### Conclusion

4. Response to arguments

5. Applicant's arguments filed 4/20/2006 has been fully considered but they are moot in view of new grounds of rejections.

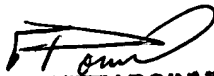
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 21, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3628*